



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Charles Glass, Deputy Secretary

March 10, 2020

The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee
251 House Office Building
Annapolis, MD 21401

The Honorable Dana Stein
Vice Chair, Environment and Transportation Committee
251 House Office Building
Annapolis, MD 21401

RE: Support with Amendments – HB 1311– Allegany County and Garrett County – Definition of “Tree Expert” - Alteration

Dear Chair Barve, Vice Chair Stein and Committee Members:

The Maryland Department of Natural Resources is providing information on House Bill 1311. The bill adds additional language to the tree expert definition to exempt those that have for the immediate preceding three years participated in a Master Logging program, been engaged in timber harvesting, carries licensed tree expert insurance, received compensation for tree care work on private property and only apply to those who perform work in two Allegany and Garrett counties.

The Maryland Tree Expert Law is a consumer protection law that requires any person that conducts tree care work and removals to obtain a license and insurance for tree care work. The Maryland Forest Service licenses tree experts as well as investigates complaints against both licensed and unlicensed tree workers. To obtain a license, a person must have three year’s work experience under a Maryland Licensed Tree Expert or two years of college courses in order to take the licensing exam. Once passed, the person must provide proof of insurance for tree work to receive the license. It is a renewable two-year license if the licensee obtains eight continuing education credits during the two years. The Maryland Forest Service also investigates complaints filed by homeowners against licensed and unlicensed tree workers. These complaints can result in the suspension of a tree expert license or a police citation against an unlicensed tree worker. There are currently 1300 Maryland Licensed Tree Experts.

Forest Product Operator License is required for any person engaged in forest product businesses, including timber harvesting. It is a renewable, yearly license with no exam. The bill incorrectly identifies the University of Maryland Extension’s Maryland-Delaware Master Logger Program, a training program that requires a logger to complete 16 hours of online training. The program has reciprocity with the surrounding states. Per the online directory, there are 150 Master Loggers, who have completed the training, in Maryland, Pennsylvania, Virginia, West Virginia and Delaware. Of the current Forest Product Operators, 33 have also Master Loggers.

The bill will increase competition among licensed tree experts, exempted individuals and illegal tree workers in Allegany and Garrett Counties. This may lead to confusion for consumers on who can perform work in Maryland legally since the exempted individuals will not have a license. It will make investigating consumer complaints difficult.

[OVER]

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The Department suggests amending the bill to add an additional prerequisite for the exam. This will enable those meeting this prerequisite to take the exam and obtain a license to show potential customers, and the Maryland Forest Service can continue to provide consumer protection for homeowners and enforce against unlicensed tree care workers.

For these reasons, the Maryland Department of Natural Resources respectfully submits to the Committee this information on House Bill 1311.

Respectfully submitted,
James W. McKittrick
Director, Legislative and Constituent Services

BY:
(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 1311
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 2 and substitute “Natural Resources -“Tree Expert” License – Qualifications”; strike beginning with the second “the” in line 3 down through “property;” in line 7 and substitute “certain qualification criteria for a “tree expert” license applicant to include a person who, within a certain timeframe, has achieved master logger status from the University of Maryland Extension’s master logger training program and held a certain license issued by the Department; providing for the termination of this Act;”.

On page 1, in line 11, strike “5-415” and substitute “5-418”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 28 on page 2 and substitute:

“5-418.

(a) The Department may examine an applicant for license as a tree expert and pass upon the competence of the applicant. It shall issue a "tree expert" license to any applicant, who:

(1) Pays the fee provided in Section 5-419 of this subtitle;

(2) Has attained 18 years of age;

(3) (i) Has had 2 years of approved college education in forestry, arboriculture, horticulture, applied agricultural sciences, or the equivalent education and a minimum of 1 year of experience with a licensed tree expert in Maryland or with an acceptable tree expert company in another state; [or]

(II) HAS, WITHIN THE IMMEDIATELY PRECEDING 3 YEARS:

1. ACHIEVED ACTIVE MASTER LOGGER STATUS FROM THE UNIVERSITY OF MARYLAND EXTENSION’S MASTER LOGGER TRAINING PROGRAM; AND

2. HELD A FOREST PRODUCT OPERATOR’S LICENSE ISSUED BY THE DEPARTMENT;

OR

[(ii)](III) For at least 3 years immediately preceding the date of application has been engaged continuously in practice as a tree expert with a licensed tree expert in Maryland or with an acceptable tree expert company in another state; and

(4) Has passed the examination given by the Department.

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(b) Every licensee shall carry and show proof of liability and property damage insurance, in the form and amount required by the Department at the time it issues the license. The licensee shall maintain the insurance protection for the period the license is in effect.

AMENDMENT NO. 3

On page 3, in line 1, after “2020.” insert “It shall remain effective for a period of 2 years and, at the end of September 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”